IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1862 OF 2007

Dineshkumar S. Kacchara Jain ... Applicant

Versus

State of Maharashtra & Anr. ... Respondents

Mr. Prakash Naik i/b. Mr. S.M.Jain for the applicant.

Mr. Ganesh Bhujbal for respondent No.2.

Mr. Y.S.Shinde, APP, for the State.

CORAM: J.H.BHATIA,J.

DATE : 28th June, 2007.

P.C.

1. Heard Counsel for the parties.

2. It appears that respondent NO.2 had lodged FIR against the applicant and on the basis of the same, crime No.349/2004 was registered at the L.T. Marg Police Station under Sections 406 and 420 of I.P.C. It was alleged that the applicant has received gold ornaments worth Rs.18,50,000/- and had not returned them and thus had committed misappropriation of the property. It appears that after the applicant was taken into police custody, the respondent No.2 made a statement

before the police that the total amount of Rs.18,50,000/-, being the value of the ornaments, was paid to him by the present applicant. His brother also made similar statements before the police. Respondent no.2 has also filed an affidavit marked "B" before this Court.

3. The applicant seeks to quash the proceedings arising out of crime No.349/2004 in view of the fact that he has already returned the gold property or its value. Mr. Bhujbal, learned Counsel for the respondent No.2 has no objectioon.

4. Therefore, this Application is allowed in terms of prayer clauses (a) and (b).

(J.H.BHATIA,J.)